

000713

## REQUEST FOR COUNCIL ACTION

CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE)109  
10/21TO:  
CITY ATTORNEY2. FROM (ORIGINATING DEPARTMENT):  
Commission for Arts and Culture3. DATE:  
8/7/20084. SUBJECT:  
CONFLICT OF INTEREST CODE FOR THE COMMISSION FOR ARTS AND CULTURE

5. PRIMARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Victoria L. Hamilton, MS#652, #236-6770

6. SECONDARY CONTACT (NAME, PHONE &amp; MAIL STA.)

Linda Sokol, MS#652, #236-6778

7. CHECK BOX IF REPORT TO  
COUNCIL IS ATTACHED ☐

## 8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

## 10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Victoria L. Hamilton</i>	8/7/08	8	DEPUTY CHIEF	<i>James Dunn</i>	8/21/08
2	EAS	<i>Allison Sherwood</i>	8/12/08	9	COO		
3	EOCP	<i>Ben M. Ruff</i>	8/13/08	10	CITY ATTORNEY	<i>Sharon Spinal</i>	8/26/08
4	LIAISON OFFICE	<i>SC</i>	8/15/08	11	ORIGINATING DEPARTMENT	<i>Victoria L. Hamilton</i>	8/27/08
5					DOCKET COORD:	COUNCIL LIAISON:	
6					COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION		
7					<i>WMS</i> <input type="checkbox"/> REFER TO: COUNCIL DATE: 10/21/08		

11. PREPARATION OF: ☐ RESOLUTION(S) ☐ ORDINANCE(S) ☐ AGREEMENT(S) ☐ DEED(S)

Adopting the revised Conflict of Interest Code for the Commission for Arts and Culture

## 11A. STAFF RECOMMENDATIONS:

Approve the revised conflict of Interest Code and appendices as submitted.

## 12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): All

COMMUNITY AREA(S): Citywide

ENVIRONMENTAL IMPACT: This activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

HOUSING IMPACT: N/A

OTHER ISSUES: None

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**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED:  
ATTENTION: City Council  
ORIGINATING DEPARTMENT: Commission for Arts and Culture  
SUBJECT: BIENNIAL REVIEW: CONFLICT OF INTEREST CODES  
COUNCIL DISTRICT(S): N/A  
CONTACT/PHONE NUMBER: Victoria Hamilton/#619-236-6770

REQUESTED ACTION: Resolution

STAFF RECOMMENDATION: Pass Resolution

EXECUTIVE SUMMARY:

The revision is intended to conform to Government Code Section 87305.5 requiring a biennial review and update of local conflict of interest codes as reflected in City Council Resolution No. R-303718 adopted on May 27, 2008. The Commission for Arts and Culture code has been revised to combine board and staff positions on the same conflict of interest code and update the required filing categories.

FISCAL CONSIDERATIONS: 0

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: N/A

KEY STAKEHOLDERS AND PROJECTED IMPACTS: N/A



Originating Department



Deputy Chief/Chief Operating Officer

**2008 Local Agency Biennial Notice**

Name of Agency: COMMISSION FOR ARTS AND CULTURE  
Mailing Address: 1200 THIRD AVENUE, SUITE 924, SAN DIEGO, CA 92101  
Contact Person: Victoria L. Hamilton, Executive Director  
Phone Number: #619-236-6778 Fax Number: #619-236-6812  
E-mail: vhamilton@sandiego.gov

This agency has reviewed its conflict of interest code and has determined that:

☒

The code needs to be amended and the following amendments are necessary:

(Check all that apply)

☒

Include new positions (including consultants) which must be designated (App. A)

☐

Delete positions that manage public investments from the list of designated positions.

☒

Revise disclosure categories (App. B)

☐

Revise the titles of existing positions (App. A)

☐

Delete the titles of positions that have been abolished (App. A)


☐

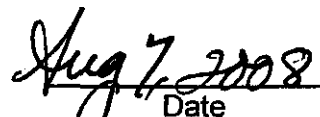
Other

☐ Summary of documented dispute and resolution

☐

No amendments are necessary. The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.

  
Signature of Chief Executive Officer

  
Date

You must complete this report regardless of how recently your code was approved or amended.

**Please return this report by August 22, 2008, to:**

Denise Jenkins, Elections Analyst  
Office of the City Clerk  
202 C Street, MS 2A, San Diego, CA 92101

RECEIVED  
CITY CLERK'S OFFICE  
08 AUG 25 AM 10:16  
SAN DIEGO, CALIF.

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RECEIVED  
CITY CLERK'S OFFICE  
08 AUG 25 AM 10:17  
SAN DIEGO, CALIF.

## **CERTIFICATION**

The foregoing amendment to the Conflict of Interest Code was prepared by the City of San Diego's Commission for Arts and Culture  
(name of department/agency/board)  
after a fair opportunity was offered to the members of the department/agency/board to present their views.

Colette Rappin  
(signature of executive officer)

8/11/88  
(date)

## APPENDIX A

**COMMISSION FOR ARTS AND CULTURE  
CONFLICT OF INTEREST CODE  
DESIGNATED POSITIONS**

<b><u>POSITION</u></b>	<b><u>DUTIES</u></b>	<b><u>CATEGORY</u></b>
<b>Executive Director</b>	<p><u>Serves as the head of and is responsible for the administration of the Commission, Commission staff, and their respective purposes, duties and functions; appoints, directs and supervises all City employees on the Commission staff with the approval of the City Manager, and subject to Civil Service regulations; initiates, administers and proposes modifications to such agreements and instruments as the Executive Director deems reasonably necessary to implement public policy, legislation, programs and services pertaining to the Commission, Commission staff, and their respective purposes, duties and functions; prepares the annual proposed budget for the Commission and provides recommendations, as appropriate, to the Commission before submitting budget recommendations to the City Manager; directs the administration of the budget for the Commission and the arts and culture allocations within TOT funds including, but not limited to, the Special Promotional TOT Revenue and the Arts, Culture and Community Festivals category; directs the fair distribution of TOT funds, as approved by City Council, to non-profit arts and culture organizations to support local arts and culture programming; serves as the steward of the Civic Art Collection and manages any financial transactions related to collections management activities and public art project management activities pertaining to all existing and proposed artworks in/proposed for the Civic Art Collection, or contracted for, exhibited on, or erected on public places; oversees allocations to and from the Public Art Fund; initiates agreements to provide professional arts administration services to other agencies, corporations and companies; prepares and submits reports to the Mayor, City Council and City Manager pertaining to the purpose, duties and functions of the Commission and the Commission staff; consults with and submits reports to the Commission pertaining to the purpose, duties and functions of the Commission and the Commission staff; manages other duties pertaining to arts and culture as assigned by the City Manager.</u></p>	<b>1</b>

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APPROVED

<b>Program Manager</b>	Assists the Executive Director with all phases of the Organizational Support Program, and Creative Communities San Diego Program allocations process; <u>and other department activities including:</u> <del>sits on</del> boards and committees, <del>as required;</del> <del>policy</del> policies and procedures, development; <del>prepare</del> preparation and review of various reports; <del>provides</del> research and analysis, <del>and direction in the development of</del> special initiatives, <del>including the implementation of</del> feasibility studies, <del>recommendation of policies and procedures,</del> budgets, marketing strategies, <del>and evaluation processes,</del> <del>develop and implement</del> technical assistance and capacity building programs, <del>assist in the coordination and management of</del> and cultural planning efforts focusing on arts education, folk and traditional arts and cultural tourism.	<u>1</u>
<b>Arts Management Associate</b>	Assists the Program Manager with all phases of the Organizational Support Program and Creative Communities San Diego allocations process. <u>Duties Include:</u> sitting on boards and committees as required; policy and procedure development; prepare and review various reports; <del>provides</del> <u>provide</u> research, analysis and direction in the development of special initiatives including the implementation of feasibility studies, recommendation of policies and procedures, budgets, marketing strategies and evaluation processes; develop and implement technical assistance and capacity building programs; assist in the coordination and management of cultural planning efforts focusing on arts education, folk and traditional arts and cultural tourism.	<u>1</u>
<b>Public Art Program Administrator</b>	Assists the Executive Director with administering the Public Art Program. Duties include planning and coordinating all phases of artist selection, design, fabrication and installation for public art projects; developing and executing policies related to public art; supervising program staff; ensuring compliance with the policy for art in public projects and the ordinance for art in private projects; negotiating and administering contracts for artists; serving as a liaison between artists, art organizations, the general public, and the Commission for Arts and Culture; making presentations to civic groups, government agencies, and the arts community; preparing grant proposals, reports, and correspondence; and performing other administrative duties as assigned.	<u>1</u>

<b>Public Art Project Coordinator</b>	Assists the Public Art Program Administrator with administering the Public Art Program. Duties include planning and coordinating all phases of artist selection, design, fabrication and installation for public art projects; developing and executing policies related to public art; supervising program staff; ensuring compliance with the policy for art in public projects and the ordinance for art in private projects; negotiating and administering contracts for artists; serving as a liaison between artists, art organizations, the general public, and the Commission for Arts and Culture; making presentations to civic groups, government agencies, and the arts community; preparing grant proposals, reports, and correspondence; caring for the artwork owned by the City; and performing other administrative duties as assigned.	<u>1</u>
<b><u>Chair of Commission Board</u></b>	Appointed by the Mayor. Presides over all Commission meetings, Executive Committee meetings, serves as ex-officio member of all committees, and works closely with the Executive Director in areas of planning and advocacy of Commission programs and policies.	<u>1</u>
<b><u>Board Members</u></b>	Appointed by Mayor and City Council. Commissioners serve as links between the public and private sectors in San Diego, vitalizing the City by supporting the region's cultural assets, integrating arts and culture into community life and showcasing San Diego as an international tourist destination. Commissioners are expected to attend regular monthly Commission meetings and report to the Mayor and Council on an as-needed basis, but not less than one time per year.	<u>1</u>
<b>Consultants</b>	As specified in contract.	<u>2</u>

## APPENDIX B

### COMMISSION FOR ARTS AND CULTURE CONFLICT OF INTEREST CODE DISCLOSURE CATEGORIES

1. All reportable investments or business positions in any firm, entity for-profit or nonprofit organization that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the Commission ~~which receives funding through participation in the funding process established and administered by the Commission which is a tenant of the City of San Diego, which is granted authority by the City of San Diego to use City facilities or any such organization which has in the reporting period received any such funding or use of City facilities or has indicated its intent orally and/or in writing to the Commission to participate in such funding process in the future.~~

All reportable interests in real property owned or used by any firm, entity for-profit or nonprofit organization that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the Commission ~~which receives funding through participation in the funding process established and administered by the Commission which is a tenant of the City of San Diego, or which is granted authority by the City of San Diego to use City facilities or any such organization which has in the reporting period received any such funding or use of City facilities, or has indicated its intent orally and/or in writing to the Commission to participate in such funding process in the future.~~

All reportable income, loans or gifts from any firm, entity for-profit or nonprofit organization that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the Commission ~~which receives funding through participation in the funding process established and administered by the Commission, which is a tenant of the City of San Diego, which is granted authority by the City of San Diego to use City facilities or any such organization which has in the reporting period received any such funding or use of City facilities, or has indicated its intent orally and/or in writing to the Commission to participate in such funding process in the future.~~

All decision-making positions in any firm, entity for-profit or nonprofit organization (including, without limitation, positions as an officer or member of the governing body of such firm, entity or nonprofit organization) that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the



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~~Commission, which receives funding through participation in the funding process established and administered by the Commission, which is a tenant of the City of San Diego, or which is granted authority by the City of San Diego to use City facilities, or any such organization which has in the reporting period received any such funding or use of City facilities, or has indicated its intent orally and/or in writing to the Commission to participate in such funding process in the future.~~

2. Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director and/or Chair may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's and/or Chair's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

**APPENDIX A**

**COMMISSION FOR ARTS AND CULTURE  
CONFLICT OF INTEREST CODE  
DESIGNATED POSITIONS**

<b>POSITION</b>	<b>DUTIES</b>	<b>CATEGORY</b>
<b>Executive Director</b>	<p>Serves as the head of and is responsible for the administration of the Commission, Commission staff, and their respective purposes, duties and functions; appoints, directs and supervises all City employees on the Commission staff with the approval of the City Manager, and subject to Civil Service regulations; initiates, administers and proposes modifications to such agreements and instruments as the Executive Director deems reasonably necessary to implement public policy, legislation, programs and services pertaining to the Commission, Commission staff, and their respective purposes, duties and functions; prepares the annual proposed budget for the Commission and provides recommendations, as appropriate, to the Commission before submitting budget recommendations to the City Manager; directs the administration of the budget for the Commission and the arts and culture allocations within TOT funds including, but not limited to, the Special Promotional TOT Revenue and the Arts, Culture and Community Festivals category; directs the fair distribution of TOT funds, as approved by City Council, to non-profit arts and culture organizations to support local arts and culture programming; serves as the steward of the Civic Art Collection and manages any financial transactions related to collections management activities and public art project management activities pertaining to all existing and proposed artworks in/proposed for the Civic Art Collection, or contracted for, exhibited on, or erected on public places; oversees allocations to and from the Public Art Fund; initiates agreements to provide professional arts administration services to other agencies, corporations and companies; prepares and submits reports to the Mayor, City Council and City Manager pertaining to the purpose, duties and functions of the Commission and the Commission staff; consults with and submits reports to the Commission pertaining to the purpose, duties and functions of the Commission and the Commission staff; manages other duties pertaining to arts and culture as assigned by the City Manager.</p>	1

<b>Program Manager</b>	Assists the Executive Director with all phases of the Organizational Support Program, Creative Communities San Diego Program and other department activities including: boards and committees, policies and procedures, preparation and review of reports, research and analysis, special initiatives, feasibility studies, budgets, marketing strategies, evaluation processes, technical assistance and capacity building programs, and cultural planning.	1
<b>Arts Management Associate</b>	Assists the Program Manager with all phases of the Organizational Support Program and Creative Communities San Diego allocations process. Duties include: sitting on boards and committees as required; policy and procedure development; prepare and review various reports; provide research, analysis and direction in the development of special initiatives including the implementation of feasibility studies; recommendation of policies and procedures, budgets, marketing strategies and evaluation processes; develop and implement technical assistance and capacity building programs; assist in the coordination and management of cultural planning efforts focusing on arts education, folk and traditional arts and cultural tourism.	1
<b>Public Art Program Administrator</b>	Assists the Executive Director with administering the Public Art Program. Duties include planning and coordinating all phases of artist selection, design, fabrication and installation for public art projects; developing and executing policies related to public art; supervising program staff; ensuring compliance with the policy for art in public projects and the ordinance for art in private projects; negotiating and administering contracts for artists; serving as a liaison between artists, art organizations, the general public, and the Commission for Arts and Culture; making presentations to civic groups, government agencies, and the arts community; preparing grant proposals, reports, and correspondence; and performing other administrative duties as assigned.	1

<b>Public Art Project Coordinator</b>	Assists the Public Art Program Administrator with administering the Public Art Program. Duties include planning and coordinating all phases of artist selection, design, fabrication and installation for public art projects; developing and executing policies related to public art; supervising program staff; ensuring compliance with the policy for art in public projects and the ordinance for art in private projects; negotiating and administering contracts for artists; serving as a liaison between artists, art organizations, the general public, and the Commission for Arts and Culture; making presentations to civic groups, government agencies, and the arts community; preparing grant proposals, reports, and correspondence; caring for the artwork owned by the City; and performing other administrative duties as assigned.	1
<b>Chair of Commission Board</b>	Appointed by the Mayor. Presides over all Commission meetings, Executive Committee meetings, serves as ex-officio member of all committees, and works closely with the Executive Director in areas of planning and advocacy of Commission programs and policies.	1
<b>Board Members</b>	Appointed by Mayor and City Council. Commissioners serve as links between the public and private sectors in San Diego, vitalizing the City by supporting the region's cultural assets, integrating arts and culture into community life and showcasing San Diego as an international tourist destination. Commissioners are expected to attend regular monthly Commission meetings and report to the Mayor and Council on an as-needed basis, but not less than one time per year.	1
<b>Consultants</b>	As specified in contract.	2

**APPENDIX B****COMMISSION FOR ARTS AND CULTURE  
CONFLICT OF INTEREST CODE  
DISCLOSURE CATEGORIES**

1. All reportable investments or business positions in any firm, entity for-profit or nonprofit organization that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the Commission.

All reportable interests in real property owned or used by any firm, entity for-profit or nonprofit organization that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the Commission.

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All decision-making positions in any firm, entity for-profit or nonprofit organization (including, without limitation, positions as an officer or member of the governing body of such firm, entity or nonprofit organization) that during the reporting period: (a) received funding through participation in a funding process administered by the Commission; or (b) indicated its intent orally or in writing to the Commission to participate in the Commission's funding process in the future; or (c) had a project, an initiative or a public art project come before the Commission or its staff; or (d) served as a consultant to the Commission.

2. Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director and/or Chair may determine in writing that a particular consultant, although a "designated position", is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's and/or Chair's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION ADOPTING A REVISED CONFLICT  
OF INTEREST CODE FOR THE COMMISSION FOR  
ARTS AND CULTURE

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, in compliance with Government Code section 87306.5, the City is in the midst of a required City-wide biennial review of all conflict of interest codes for which the City Council serves as code-reviewing body; and

WHEREAS, by Resolution R-303718 (approved by the City Council on May 20, 2008, and signed by the Mayor on May 27, 2008), the City Council directed every City department, agency, board and commission for which the City Council serves as code-reviewing body to make biennial reports and to update their conflict of interest codes as necessary; and

WHEREAS, as the City's code-reviewing body, the City Council finds it in the public interest to adopt the standard conflict of interest code promulgated by the California Fair Political Practices Commission [FPPC] in Regulation 18730, and hereby declares its intention to incorporate by reference the terms of FPPC Regulation 18730 and any amendments to that regulation duly adopted by the FPPC as part of each conflict of interest code for which the City Council has responsibility; and

WHEREAS, by Resolution No. 302214, the City Council on December 5, 2006, approved a revised Conflict of Interest Code for the Commission for Arts and Culture; and

WHEREAS, the Commission for Arts and Culture now seeks to revise its conflict of interest code, which combines appendices, includes new positions that must be designated, and revises disclosure categories; and

WHEREAS, the City Council concurs that a revised Conflict of Interest Code be adopted for the Commission for Arts and Culture; and

WHEREAS, Government Code section 87303 provides that when a proposed conflict of interest code or amendment is approved by the code-reviewing body, it shall be deemed adopted, and, accordingly, this resolution is not subject to veto by the Mayor; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for the Commission for Arts and Culture is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of Appendix A and Appendix B to the Conflict of Interest Code for the Commission for Arts and Culture as adopted be placed on file in the Office of the City Clerk as Document No. RR-\_\_\_\_\_.

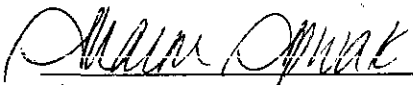
BE IT FURTHER RESOLVED, that the persons whose positions are designated in the revised Conflict of Interest Code for the Commission for Arts and Culture shall file their statements of economic interest with the City Clerk in compliance with the schedule set forth in

Government Code section 87302(b) and Fair Political Practices Commission Regulation 18730, or any amendments thereto, which set forth the deadlines for the filing of initial statements, assuming office statements, annual statements and leaving office statements.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Commission for Arts and Culture becomes effective upon the date of adoption of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Sharon B. Spivak  
Deputy City Attorney

SBS:als  
10/06/08  
Or.Dept: Arts & Culture  
R-2009-231